Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. CLARK. Mr. President, there are many reasons why in my opinion the Dirksen "rotten borough" amendment should be rejected by the Senate.

Before going into any of those reasons—and to cover them fully would take a long time—I should like first to discuss why, during the past week, I have referred to the Dirksen amendment as a "rotten borough" amendment. Those Senators—and I hope there are more every day—who have been conscientious enough to read the splendid opinion of our very great Chief Justice of the United States, Chief Justice Earl Warren, in the case of Reynolds against Sims, will recall that on page 32 of the printed opinion, the Chief Justice stated:

> Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies.

Then in footnote No. 44, the Chief Justice stated:

> The British experience in eradicating "rotten boroughs" is interesting and enlightening. Parliamentary representation is now based on districts of substantially equal population, and periodic reapportionment is accomplished through independent Boundary Commissions. For a discussion of the experience and difficulties in Great Britain in achieving fair legislative representation, see Edwards, Theoretical and Comparative Aspects of Reapportionment and Redistricting.

A year ago when I was preparing the text of a book on the place of Congress in our tripartite system of government, I investigated the causes for the unfortunate failure, in my opinion, of the Congress of the United States to measure up to its constitutional duty. It occurred to me that malapportionment in the State legislatures, and also in Congress, was one of the reasons why Representatives and Senators have tended, in some instances, to fail to demonstrate that devotion to the interests of a majority of our people, which we have traditionally considered, since the founding of the Republic, to be one of the chief qualifications for holding public office, if not the, principal qualification.

I recall that when I was in college, far too many years ago, I had been most favorably impressed by a brilliant book written by George Macaulay Trevelyan, entitled, "British History in the 19th Century."

I recalled particularly the chapters in that book which dealt with the fight over the first reform bill in Great Britain during the years 1832 to 1834. It seemed to me that those chapters presented, perhaps in reverse, a pertinent illustration of the difficulties in securing majority control of our legislative bodies, control which, 130 years ago, had not yet been achieved in Great Britain.

So I undertook to draft a part of the chapter in my book on the strategy and tactics of congressional reform, a section on precedents for legislative reform, which included a description of the fight to eliminate the rotten boroughs in Great Britain during the 4th decade of the 19th century. Subsequently, I concluded that the analogy was not sufficiently close to make it desirable to include that particular subject in the final draft of the book, which was published just last May under the title of "Congress: The Sapless Branch."

However, when the Dirksen amendment was first brought forward, the analogy between its objective and that of those individuals in England during the early 1830's who were attempting to prevent parliamentary reform, struck me as pertinent. Then, when I read Chief Justice Warren's opinion and noted his reference to rotten boroughs, it occurred to me that we had now found an excellent title for the Dirksen amendment if we were to call it the "rotten borough" amendment.

Let us take a short look at what happened in England and note the analogy. In 1831 the House of Commons of England consisted of members elected by the English counties and others selected by boroughs.

There were, of course, the representatives from Ireland, who were constantly giving the same amount of trouble, although for different reasons, which I am sure the leadership occasionally thinks the small bands of liberals who are opposing the Dirksen amendments are giving in the Senate today. But while the representation in the House of Commons from the counties was reasonably closely apportioned, for those days, to population, the representation from the boroughs was positively scandalous. Many of them were known in those days as "rotten boroughs" because their parliamentary seats were filled on the nomination of either a few corrupt borough officials or by a powerful local landlord. Many of the boroughs had been created during the Middle Ages or in late feudal times, and there had subsequently been shifts in population. Changes in the economy of England had, in turn, vastly changed the population in those boroughs. Some of them had become little more than discarded pigsties, according to George Macaulay Trevelyan. Those boroughs had been organized many years previously, and because of changes in the economy in England, as I have just stated, had been abandoned by their population. One of the most notorious of the "rotten boroughs" was the Borough of Old Sarum. Nobody lived in it. Nevertheless, it had a seat in Parliament and a vote in the House of Commons—a vote exercised by the nominee of the local landlord who owned the real estate where the Borough of Old Sarum had formerly existed.

At that time, in 1831, the voting franchise in England was restricted to the nobility and to the country gentlemen. The middle and working classes were completely disenfranchised. A number of flourishing cities had grown up in England as a result of the industrial revolution, which had begun with the innovation of the steam engine by James Watt in the last years of the 18th century. But none of the people in the new cities had any representation whatever in the House of Commons.

It should also be pointed out that at that time the House of Lords was entirely hereditary and ultraconservative, and representatives in the House of Commons, on the other hand, who came from English counties, were reasonably up to date with the needs of the times. But the representatives who came from the rotten borough were quite candidly for sale.

Through the combination of their control over the rotten boroughs and their control through the British aristocracy in the House of Lords, no very effective legislation of an economic or social nature was passed by the British Parliament in the years between the defeat of Napoleon at Waterloo in 1815 and the year 1831, when the agitation for the first reform bill began.

There was much misery due to chronic and persistent unemployment throughout the country, and there came to be an identification of the economic distress with the failure of Parliament to represent the people of the country. Accordingly, there was a steady public outcry for reform of the House of Commons.

Earlier efforts at parliamentary reform, around 1810, had failed. Lord Grey, who was a Whig and a Member of the House of Lords, had been the leader of the reform movement which had been defeated in 1810. At that time he had declared that he would take up parliamentary reform again when the English people took it up, as Lord Grey said, "seriously and affectionately."

It is interesting to note, in historical perspective, that at this time the Duke of Wellington, hero of the Battle of Waterloo, and an extraordinary character, was Prime Minister and a strong opponent of reform. The Duke of Wellington was a gentleman who, if he were alive today, would make BARRY GOLDWATER look like a leftwing radical. He was a fascinating character of many marvelous qualities—a great general, a man of unimpeachable integrity, but an individual who yearned for the good old days of the end of the 18th century and looked with deep suspicion on anything which might resemble change.

So in 1831 there was in England a situation which bears some analogy, when we think in terms of parliamentary reform and congressional reform, to the situation in this country before the decision of Baker against Carr, and the other decisions which followed in its train, ending up with the most important decision of Reynolds against Sims, decided on June 15 of this year.

The counterrevolutionary forces, terrified by the French Revolution, intent on retaining their political power in England, had their faces set firmly against parliamentary reform.

So, in the same way in our country right now, and much more so before Baker against Carr, decided in 1962, the

forces in this country opposing change, the forces which set their hands and minds and voices against anything new, have opposed any effort to achieve either congressional reform in the larger sense, or legislative reform in terms of making State legislatures, and indeed the House of Representatives, represent the people of the country instead of the bears, the bees, the trees, and the flowers.

From their standpoint, one would think their motivation is probably not unlike the reaction of the Duke of Wellington and the owners of rotten boroughs in 1831. They thought things were bad enough, and they did not want them to become any worse. They thought any change was necessarily bad. They knew that as long as the people of England were unable to be adequately represented by Members in the Parliament who would be responsive to the desires of the people, they could control the situation, just as those supporting the Dirksen amendment on the floor of the Senate today want to retain that unconcionable control by the rural districts of State legislatures through which they have been able to retain their power, and indeed to transfer that power, in many instances, from the State legislatures to the Congress of the United States.

And so it has come about today in America, as indeed it had practically always been in England, that a failure of fair and adequate representation in the legislature resulted in blocking the road to necessary change.

To return to the situation in England in 1831: The Paris revolution in France, across the English Channel, resulted in throwing out the reactionary Bourbon king, Charles X, and his Prime Minister Polignac and putting in power the bourgeois king, Louis Phillipe.

It will be recalled that after Napoleon lost the Battle of Waterloo and was sent to St. Helena, there was a restoration of the Bourbon kings in France. They proceeded, to the extent of their ability, to undo all of the reforms of the French Revolution and, again to the extent of their ability, to turn the clock back to the days of the earlier Bourbons, Louis XIV, Louis XV, and Louis XVI.

But the 1831 Paris revolution, unlike the earlier one at the turn of the 18th-19th century, did not result in any attacks on private property. It was a bourgeois middle class revolution which resulted in bringing some very necessary reforms into the French Constitution and into French political procedures, and in very definitely moving the French nation ahead to make it more capable of dealing with the serious social, economic, and political problems which confronted the French nation as the pace of the industrial revolution tended to accelerate.

The experience in France had a great effect across the channel in England. It heartened the forces of reform and resulted in Lord Grey and Lord John Russell, who was the head of the Whig Party in the House of Commons, going out on the hustings in the general election of 1831, and bringing forward a moderate Whig program of reform.

Of course, the analogy is quite inexact, but it has sufficient pertinence to mention it. The Tory Party then, as now, was the party of the conservative elements in England, and the Whig Party was to some extent the party of the liberals. Among the Whigs, of course, were many members of the aristocracy as well as many successful businessmen and members of what in those days was known as the English bourgeoisie. Generally speaking, the Whigs were not completely adverse to change, and the Tories were.

In the election of 1831 a Whig majority was elected in the House of Commons. This resulted in turning out the Duke of Wellington as Prime Minister and installing Lord Grey in his place. Remember that Lord Grey, however, was a member of the House of Lords, not of the House of Commons. Nevertheless, his cabinet, or the cabinet which he headed, promptly introduced the first reform bill, which abolished a large number of rotten boroughs and distributed their seats among the larger British cities which had theretofore been unrepresented in Parliament. The bill also enfranchised—or, in other words, gave the vote—to about one-half of the British middle class by lowering significantly the property qualification necessary to entitle one to a vote.

It was not until the third reform bill, more than half a century later, that the British came anywhere near approximating universal suffrage in terms of their electorate. Of course it was many years later before the vote was given to women. The situation in our country was not significantly different in terms of the franchise. Women were not permitted to vote on a national basis until the suffrage amendment was adopted in 1919. There were still, in 1831, drastic property qualifications in connection with the right to vote in this country, but there was no such denial of equal representation to those who were entitled to vote in our country, as there was in England.

One point which I think should be stressed in this debate is that it is perfectly clear that the Founding Fathers, when they were framing the Constitution and dealing with the problem of the franchise, never had the slightest doubt that in the State legislatures, although the franchise was restricted by property qualifications, the rule would be other than one elector, one vote.

It was not until a good deal later that the drastic inequities which now exist and have existed for nearly a hundred years in terms of the franchise or the right to vote for members of State legislatures came into being.

To get back to England, it will be recalled that since Grey was in the House of Lords, the management of the first reform bill was turned over to Lord John Russell, who was the leader in the House of Commons. The first reform bill was as much a bombshell in the England of 1831 as the decisions of Baker against Carr, Reynolds against Sims, the Gray case, and the Wesberry case were to the forces of reaction in the United States.

Just as the first reform bill threatened the political power of the aristocracy and the owners of rotten boroughs, and therefore threatened the counterrevolutionary force in England, so did the Baker against Carr decision, and the decisions which have followed it, cause a tremor of fear to run down the spine of the counterrevolutionary force in the United States.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator is making an extraordinarily useful and historical examination of the development of universal suffrage. I believe that his analogy between the present struggle and the struggle years ago in England and France is not only well taken, but I also get from the Senator's analysis a sense of the long sweep and the long struggle toward equal suffrage, as well as universal suffrage. The latest development by the U.S. Supreme Court is directly connected with and grows out of the historical experience in Western society.

Mr. CLARK. I agree with my friend from Wisconsin, and thank him for pointing it out. I should like to ask a question of the Senator, he being a longtime and able student of constitutional history and, indeed, of politics. I should like to ask him whether he would agree with me that Baker against Carr, Reynolds against Simms, and the cases in between may not one day be written up by the historians as another chapter in the long fight for democracy and freedom and equal opportunity under the law, which we were taught in school and college began with the Magna Carta.

Mr. PROXMIRE. Indeed I do. The case we make now is much clearer, much more incisive, much more explicit than could have been made at any other stage in the development of universal suffrage. A very strong case—a wrong case, but a strong case—can be made for property qualifications to vote. It might be said that a man who had demonstrated his stability, a man who had accumulted property, would be a better elector. An argument like that could be made; and it would be a logical argument.

Mr. CLARK. That argument prevailed for many years.

Mr. PROXMIRE. It did; and we have dismissed it. I have yet to hear any of the proponents of the Dirksen amendment, including the author of it himself, present one logical reason why people should have greater representation merely because fewer people live in a certain area than in another area; or, to put it another way, why those who live in an area that people are leaving should have greater representation than those who live in an area that is growing and developing.

Mr. CLARK. I agree with the Senator. It occurs to me that the reason why the Senator from Illinois [Mr. DIRKSEN] and his supporters, who are curiously silent, have not raised their voices in support of this iniquitous amendment, and have failed to develop the point which the Senator has mentioned, is that they are a little afraid to bring it to the light of day.

The argument which I have heard made—and I am sure the Senator has heard it made also—is that if a person lives on a farm he is automatically a man

of integrity and a man of intelligence. An effort has been made to misrepresent the views of Thomas Jefferson, to the effect that a person who lives on a farm is a "goodie," and a person living in a city is a "baddie." Generally speaking, throughout the sweep of American history, the rural interest has been the conservative interest; and the conservative interest has nurtured the "Establishment" in the Senate, in the House, and in State legislatures.

The "Establishment," as we have come to know it in the Senate in recent years, is that group of eminent, intelligent, patriotic citizens, who have set their faces against change. There is a tendency, and there has been throughout history, although it is less every day, with the coming of television, highways, and airplanes, for the rural element, which is remote from the clang and clash of conflicting opinions—which is a part of urban life today—to support resistance to change, resistance to the 20th century, resistance to the modern world. It is the element which has supported and elected those who, generally speaking, are supporting the Dirksen amendment.

Mr. PROXMIRE. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield.

Mr. PROXMIRE. As a matter of realism, however, if we analyze the movement of populations, we can see that what is actually happening is nothing of the kind that the supporters of the Dirksen amendment argue would take place. The Dirksen amendment will not help farmers. I agree that farmers have unusual character and fine ability. The farmers whom I know and with whom I have spoken about this situation do not feel that they should be given any more consideration than anyone else.

Mr. CLARK. Perhaps our conservative friends may be putting their faith in an element in the community which, if they push their case too far, will one day desert them. I call attention to the Populist movement in the 1890's, which originated, to a large extent, with the farm population.

I call attention to the farm revolt in the 1920's, which resulted in the McNary-Haugen bill, and to the fact that if the farmers become angry enough, they will want change even to a greater extent than their city and suburban colleagues. Nevertheless, generally speaking, over the sweep of history, what I have said has been to a large extent true, despite the influence of the frontier on politics in America.

Mr. PROXMIRE. Farmers are leaving the farms and city dwellers are leaving the central cities. The central cities are not growing the way the rest of the country is. City dwellers are moving to the suburbs. The attitude of suburban dwellers varies greatly. Some are quite progressive; some are not. But in many cases, suburban dwellers tend to be more conservative than city dwellers.

There are really two important reasons why those who support the Dirksen amendment want it, after they think it through and get all the facts on it. One is that they feel that if one branch of a State legislature can be established on some other basis than population, there will be a tendency for the legislature to go slower; that it will not do as much and will not pass certain legislation.

Mr. CLARK. I suggest that it is a subconscious yearning for an "American House of Lords."

Mr. PROXMIRE. Yes; but it is also a feeling that they desire to stop new things, new actions, and new trends. This is most unfortunate, because it means weak, inactive States, the consequences will be a bigger, stronger central Federal Government. If the States fail to act, the Federal Government will.

What will happen if the unequal vote boys succeed? The Senator from Michigan [Mr. McNAMARA] showed brilliantly in his excellent speech yesterday, showing specific big examples of important legislation that were blocked in the Michigan Legislature. By a majority of legislators representing a minority, usually a small minority of the people of Michigan.

Nevertheless, I think there are people who, if they rationalize this condition at all, rationalize it on the basis of feeling that this is a conservative way of preventing legislatures from acting.

There is one other element which induces them to oppose reapportionment. It is because of the perfectly predictable, human, understandable feeling that they want to keep their jobs.

The jobs of those who are members of State legislatures are at stake. The jobs of their friends are at stake. Their careers are at stake. The Senator from Pennsylvania and I know many persons who have served in our State legislatures for 10, 15, or 25 years. They want to serve longer. In many cases, they serve well. But if State legislatures were reapportioned every 10 years, people would be thrown out of work. The human element is important.

Every Member of the Senate or House has friends in the State legislatures. We hear from them. We like them. They are our strong supporters. We want to do what we can to help them.

This is a big element in their support of the Dirksen amendment and the adoption of the constitutional amendment to produce the desired kind of area representation and population representation.

Mr. CLARK. The Senator from Wisconsin is correct. I wonder if his experience in Wisconsin coincides with my own in Pennsylvania. All the talk about a crisis, which we heard in support of the Dirksen amendment, to my way of thinking, comes only from the politicians in the State legislatures, their friends, their sycophants, their supporters. It has no grassroots basis at al. It is merely the normal fear that someone will lose his job. There is no crisis except that some State legislators and those who follow them or whose jobs are contingent upon the continuance in office of the State legislators are afraid that if the people of a particular State had the right to choose their representatives in proportion to their numbers, such individuals would not return to the statehouse.

Mr. PROXMIRE. The Senator is correct. Wisconsin has had population apportionment for 116 years—ever since 1848, when it became a State. The result has been not to have impetuous legislation or radical legislation, or legislation that is out of the mainstream of our general attitudes. It has been constructive, careful, and prudent; and the checks and balances of a bicameral legislature have worked well.

Mr. CLARK. Does not the Senator from Wisconsin agree with me that what he has just said is the American tradition—the American tradition of majority rule? We broke away from England because of taxation without representation. But we have it all over again today in the State legislatures. If there was ever any reason for breaking away from George III, and the British Parliament for their failure to permit the American people to tax themselves, and not have to go back to London with a plea to be relieved of the tea tax, the stamp tax, and others, that same urge which caused the American Revolution is now causing the citizens of our several States and cities to demand that they should not be taxed without proper representation in the State legislatures.

Mr. PROXMIRE. The Senator from Pennsylvania is absolutely correct; 180 years ago Thomas Jefferson, that great apostle of freedom, stressed that in State legislatures it is fundamental that there be representation based on population. James Madison said the same thing. Their writings are clear. There is no question about it. There is almost no conflict among our Founding Fathers so far as State legislatures are concerned. The Senator from Pennsylvania earlier referred to that. This is something we should not lose sight of, because people are always referring to the Federal analogy, the constitutional analogy, that there are two Senators from each State. The analogy is nil.

Mr. CLARK. I thank the Senator from Wisconsin for his helpful intervention.

Mr. President, I somewhat reluctantly desist, at least temporarily, from a continuation of the discussion of the condition in the British Houses of Parliament during the year 1831, for the purpose of affording my able and beloved colleague, the distinguished senior Senator from Ohio [Mr. LAUSCHE] an opportunity to address the Senate on a subject which I am sure is of the greatest importance. I ask unanimous consent that I may yield to him without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1965—AMENDMENT

Mr. LAUSCHE. Mr. President, I am grateful to the Senator from Pennsylvania for his generous comments.

I send to the desk an amendment to H.R. 10809, the Health, Education, and Welfare appropriation bill. The amendment contemplates striking from the appropriaiton bill the sum of $1.5 million